

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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First-tier tribunal for Scotland (Housing and Property Chamber)

Variation of Repairing Standard Enforcement Order: Housing (Scotland)  
Act 2006 Section 25

Chamber Ref: FTS/HPC/RP/18/2455

Flat 3/1, 28 Dixon Avenue, Glasgow G42 8EE, Title Number GLA21674  
("The property")

The Parties:-

Emma Elliott-Walker, Flat 3/1, 28 Dixon Avenue, Glasgow G42 8EE  
("the Tenant")

Nazim Bashir, c/o RiteHome Property Management, 350 Glasgow  
Harbour Terraces, Glasgow G11 6EG  
("the Landlord")

The First-tier tribunal for Scotland (Housing and Property Chamber) ('the tribunal') having determined on 24 April 2019 that the **Repairing Standard Enforcement Order** relative to the house made on 24 January 2019 should be varied, the said **Repairing Standard Enforcement Order** is hereby **varied** with effect from the date of service of this Notice in that the period allowed for the completion of the work required by the order is extended to 14 June 2019.

Subsection 25(3) of the Housing (Scotland) Act 2006 applies in this case.

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

In witness whereof these presents type written on this and the preceding page are executed by Adrian Stalker, advocate, Advocates Library, Parliament House, chairperson of the tribunal at Glasgow on 24 April 2019, before this witness:-

A Stalker

J Spence

witness

JOYCE SPENCE name in full

HRC Glasgow Tribunal Centre Address

20 York Street, Glasgow.

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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**First-tier tribunal for Scotland (Housing and Property Chamber)**

**Statement Of Decision to Vary Repairing Standard Enforcement Order:  
Housing (Scotland) Act 2006, Section 25(1)(a)**

Chamber Ref: FTS/HPC/RP/18/2455

**Flat 3/1, 28 Dixon Avenue, Glasgow G42 8EE, Title Number GLA21674**  
**("The property")**

**The Parties:-**

**Emma Elliott-Walker, Flat 3/1, 28 Dixon Avenue, Glasgow G42 8EE**  
**("the Tenant")**

**Nazim Bashir, c/o RiteHome Property Management, 350 Glasgow**  
**Harbour Terraces, Glasgow G11 6EG**  
**("the Landlord")**

**Tribunal Members:**

**Adrian Stalker (Chairman) and Debbie Scott (Ordinary Member)**

### **Decision**

**The First-tier tribunal for Scotland (Housing and Property Chamber) ('the tribunal'), decided to vary the RSEO dated 24 January 2019 with effect from the date of service of this Notice, in that the period allowed for the completion of the work required by the order is extended to 14 June 2019.**

### **Reasons for Decision**

1. Reference is made to the to the tribunal's previous decision in this case, and to the RSEO made on 24 January 2019. The period of 8 weeks allowed by Tribunal for completion of the works specified in the RSEO expired on 21 March 2019.
2. On 21 March 2019, the Tribunal received an email from Mr Robert Nixon, managing director of RiteHome Property Management. The email attaches a trail of further emails and invoices from James Gibb, the factors of the tenement building in which the property is situated. These indicate that the

communal works necessary to address the problem affecting the windows at the front of the property have not yet been completed. The factors have secured the agreement of 4 out of 10 owners for the work to be carried out, but they do not yet have a majority. Mr Nixon's email produced an EICR certificate, but also sought an extension to carry out the PAT testing for electrical appliances, which has been delayed by difficulties in securing access.

3. The tribunal considers that section 25(3) applies in this case: the work required by the RSEO has not been completed during the period required by the order, and it considers that satisfactory progress has been made in carrying out the work required.
4. The tribunal proceeded to vary the RSEO under section 25(1)(a), which Variation is referred to for its terms.
5. The decision of the Tribunal was unanimous.
6. **In terms of section 46 of the Tribunals (Scotland) Act 2014, a party aggrieved by the decision of the tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.**
7. Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

A Stalker

Signed

Date

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24/4/19.....

Chairperson